

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AMAZON.COM, INC., a Delaware corporation,

Plaintiff,

v.

ROY ORON, an individual; MAAYAN
MARZAN (aka MAAYAN ALMOG), an
individual; CLICKOMY, LTD., an Israeli
company; RASHEED ALI, an individual;
PETER BRADFORD, an individual; CASH
NETWORK, LLC, a Nevada limited liability
company; JEFFREY GILES, an individual;
DALE BROWN, an individual; FIRST
IMPRESSION INTERACTIVE, INC., an Illinois
corporation; and JOHN DOES 1–10,

Defendants.

No. 2:19-cv-00523-RSM

STIPULATED MOTION AND
ORDER REGARDING ANSWER
DEADLINES AND CASE
SCHEDULE

NOTE ON MOTION CALENDAR:
NOVEMBER 13, 2020 (LCR 7(d)(1))

I. INTRODUCTION

Pursuant to LCR 7(d)(1) and LCR 10(g), Plaintiff Amazon.com, Inc. (“Amazon”) and Defendants Cash Network, LLC, Rasheed Ali, and Peter Bradford (collectively “Cash Network Defendants”), move the Court to extend the deadlines set in the Court’s Order Setting Trial Date and Related Dates (“Scheduling Order”) (Dkt. #64). Shortly after the Scheduling Order was entered, on March 6, 2020 the Cash Network Defendants filed a Motion to Dismiss

STIPULATION AND [PROPOSED] ORDER REGARDING
ANSWER DEADLINES & CASE SCHEDULE - 1
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Amazon's First Amended Complaint for Lack of Personal Jurisdiction and Failure to State a Claim ("Motion to Dismiss") (Dkt. #70). This Court recently denied the Motion to Dismiss on October 20, 2020 (Dkt. #98). While the Motion to Dismiss was pending, the parties paused discovery proceedings pending the outcome of the dispositive issue of jurisdiction. The parties now request an extension to the Scheduling Order to begin discovery and prepare the case for trial. The parties previously sought an extension of the Court's first scheduling order ("First Scheduling Order"), (Dkt. #40), which the Court granted (Dkt. #64) after Amazon amended its Complaint adding seven new defendants to the case.

II. BACKGROUND

Amazon filed its Complaint on April 10, 2019 against defendants who have since been dismissed from this lawsuit (Dkt. #1).

On October 8, 2019, based on the discovery Amazon conducted to date, Amazon moved for leave to file its First Amended Complaint ("FAC") (Dkt. #45). The Court granted Amazon's motion on October 25, 2019 (Dkt. #51), and Amazon promptly filed the FAC on October 31, 2019 (Dkt. #52). Among other things, the FAC added seven new defendants, including the Cash Network Defendants.¹ As a result, on February 5, 2020, the parties moved for the first time to extend the deadlines set in the Court's First Scheduling Order (Dkt. #40). On February 7, 2020, the Court issued the controlling Scheduling Order (Dkt. #64).

On March 6, 2020, the Cash Network Defendants filed the Motion to Dismiss. While waiting for a decision on the dispositive issue of jurisdiction raised in the Motion to Dismiss, the parties conserved resources by postponing merits discovery.² On October 20, 2020, this Court denied the Motion to Dismiss (Dkt. #98). Subsequently, on October 29, 2020 Amazon served the Cash Network Defendants with discovery. The parties are now moving forward

¹ The Cash Network Defendants are the only remaining defendants in the case are. The other defendants have either had a default judgment entered against them or have been voluntarily dismissed.

² During this time, Amazon moved for default judgments against defendants that had not yet appeared in the lawsuit, entered into a settlement agreement and voluntarily dismissed its claims against another defendant, and continued to pursue discovery issued to third-parties.

with discovery, with less than one month remaining until the current discovery deadline expires. The parties, therefore, wish to adjust the case schedule in order to proceed with the litigation.

III. STIPULATED REQUEST

Good cause exists to extend the Scheduling Order. This is the second time the parties have requested an extension of the Scheduling Order. After the Court entered the First Scheduling Order (Dkt. #40), seven new defendants were added to the litigation, necessitating the need for additional time for the parties to pursue their claims.

After the Court entered the current Scheduling Order (Dkt. #64), the parties paused merits discovery pending a decision on the Cash Network Defendants' Motion to Dismiss. Now that the Motion to Dismiss has been denied and the parties are moving forward with discovery, the Scheduling Order does not provide sufficient time for the parties to pursue their claims and defenses by the current case deadlines.

Accordingly, Amazon and the Cash Network Defendants jointly request that the Court amend the Scheduling Order as shown below:

	<u>Current Date</u>	<u>New Date</u>
JURY TRIAL DATE	April 5, 2021	January 31, 2022
Disclosure of expert testimony under FRCP 26(a)(2)	October 9, 2020	September 3, 2021
Deadline for filing motions related to fact discovery	November 9, 2020	July 2, 2021
Fact discovery completed by	December 9, 2020	August 6, 2021
All dispositive motions must be filed by and noted on the motion calendar no later than the fourth Friday thereafter	January 11, 2021	October 8, 2021
Mediation per LCR 39.1(c)(3), if requested by the parties, held no later than	February 26, 2021	November 5, 2021

	<u>Current Date</u>	<u>New Date</u>
All motions in limine must be filed by and noted on the motion calendar no later than the third Friday thereafter	March 8, 2021	December 3, 2021
Agreed pretrial order due	March 24, 2021	January 7, 2022
Trial briefs, proposed voir dire questions, jury instructions, neutral statement of the case, and trial exhibits due	March 31, 2021	January 14, 2022

DATED this 13th day of November, 2020.

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STIPULATION AND ORDER REGARDING
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ORDER

IT IS SO ORDERED.

DATED this 16th day of November, 2020.



RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I certify that on November 13, 2020, a copy of this pleading was filed electronically with the Clerk of the Court using the CM/ECF system. Notice of this filing will be sent to all counsel of record via the court's electronic filing system.

s/ Tim Cunningham
Tim Cunningham